

# Tip Sheet: *New Mexico Human Rights Law*

## What is the NM Human Rights Act?

This is a civil rights law that guarantees full and equal services and accommodations to all people regardless of race, religion, color, national origin, ancestry, sex, sexual orientation, gender identity, spousal affiliation or physical or mental impairment.

## Why is this Act important?

The New Mexico Human Rights Act, like the Americans with Disabilities Act (ADA), is a law that protects individuals from discrimination; specifically these laws protect children in the childcare and public school setting.

## Who does the NM Human Rights Act protect?

Under New Mexico law, persons with physical or mental impairments or history of physical or mental impairments that may limit their ability to care for themselves, perform manual tasks, or otherwise participate in “major life activities” independently.



## What does NM Licensing require in including children with disabilities in childcare?

### 8.16.2.21 (4) ACCESS REQUIREMENTS FOR INDIVIDUALS WITH DISABILITIES IN NEW CENTERS

(a) Accessibility to individuals with disabilities is provided in all new centers and will include the following:

(i) main entry into the center is level or has a ramp to allow for wheelchair access;

(ii) building layout allows for access to the main activity area;

(iii) access to at least one bathroom is required to have a door clearance of 32 inches; the toilet unit also provides a 60-inch diameter turning radius;

(iv) if ramps are provided to the building, the slope of each ramp is at least a 12-1 inch horizontal run for each inch of vertical rise; and

(v) ramps exceeding a six-inch rise are provided with handrails.

(b) Requirements contained herein are minimum and additional disability requirements may apply depending on the size and complexity of the center.

### 8.16.2.24 SERVICES AND CARE OF CHILDREN IN CENTERS:

#### D. Diapering and Toileting:

(1) An educator will plan toilet training with a parent so the toilet routine is consistent. A center will not attempt to toilet train a child who is not developmentally ready.



# Tip Sheet: *New Mexico Human Rights Law*

## E. ADDITIONAL REQUIREMENTS FOR CHILDREN WITH SPECIAL NEEDS:

(1) Child care facilities are responsible for staff awareness of community resources for families of children with disabilities, including children under the age of five years as well as those of school age. If center staff believe that a child may have a delay or disability, possible resources for referral and assistance are provided to parents when appropriate. No referral for special needs services to an outside agency will be made without a parent's consent. Family Education Right and Privacy Act (FERPA) will be respected at all times.

(2) Child care facilities are responsible for staff awareness of the Americans with Disabilities Act (ADA) as it relates to enrolling and caring for children with disabilities.

## Glossary

**Civil Rights Act:** This Labor Law prohibits discrimination based on race, color, religion, sex or national origin. This law prohibits unequal access to schools, places of employment and public accommodations.

**Disability:** a physical, mental, cognitive, or developmental condition that impairs, interferes with, or limits a person's ability to engage in certain tasks or actions or participate in typical daily activities and interactions.

**Discrimination:** The unjust or prejudicial treatment of different categories of people, especially on the grounds of race, age, or sex.

**Major Life Activities:** According to the ADA National Network the definition of Major Life Activities is "activities are those functions that are important to most people's daily lives." Examples: Breathing, walking, talking, hearing, seeing, sleeping, caring for one's self, performing manual tasks, and working, and bodily functions

